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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Knyphausen et al.

Group Art Unit: Unassigned

Serial No.: 09/975,084

Examiner: Unassigned

Filed: October 12, 2001

Atty. Dkt. No. 004832.00068

For: CLIENT-DRIVEN WORKLOAD ENVIRONMENT

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

**BOX MISSING PARTS**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Responsive to the U.S. Patent and Trademark Office "Notice To File Missing Parts Of Nonprovisional Application" mailed November 15, 2001, Applicants are hereby submitting the executed declaration for filing in the subject application. Accordingly, it is respectfully requested that a filing date of October 12, 2001, be granted to this application which is the filing date the original specification and drawings were filed with the Patent and Trademark Office.

The Commissioner is authorized to charge \$954.00 to cover the following to Deposit Account No. 19-0733:

\$740.00 – Fee for basic filing fee

\$130.00 – Surcharge for late Declaration.

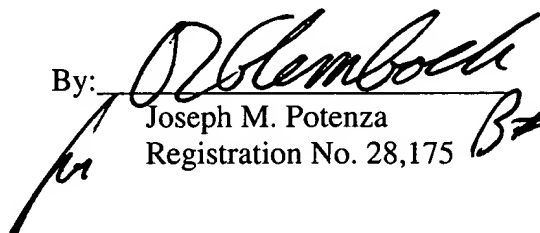
\$ 84.00 – Additional claim fee.

Knyphausen et al. – U.S. Application No. 09/975,084

In the event any variance exists between the amount authorized and the Patent Office charges, please charge any difference to Deposit Account 19-0733.

Respectfully submitted,

By:

  
Joseph M. Potenza  
Registration No. 28,175

B#38.800

BANNER & WITCOFF, LTD.  
1001 G Street, N.W. – 11<sup>th</sup> Floor  
Washington, D.C. 20001  
Telephone: 202/508-9100

Dated: March 11, 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/975,084	10/12/2001	Knyphausen	004832.00068

CONFIRMATION NO. 7677

## FORMALITIES LETTER



\*OC000000007075239\*

22907  
BANNER & WITCOFF  
1001 G STREET N W  
SUITE 1100  
WASHINGTON, DC 20001

Date Mailed: 11/15/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/14/2002 SZEWDIE1 00000061 190733 09975084

01 FC:105 130.00 CH  
02 FC:101 740.00 CH  
03 FC:102 84.00 CH

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$84.  
    ■ \$84 for 1 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(i) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 954.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

Adjustment date: 05/07/2002 VTRUQW61  
04/17/2002 SDEHBOB1 00000054 190733 09975084

130.00 CR

01 FC:105

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*A copy of this notice MUST be returned with the reply.*

Ben T. Binstro  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**FREE TRANSMITTAL**  
**for FY 2002**

MAR 11 2002  
Pate

Patent fees are subject to annual revision.

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b>	<b>1394</b>
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**Complete if Known**

Application Number	09/975,084
Filing Date	October 12, 2001
First Named Inventor	Knyphausen et al.
Examiner Name	Unassigned
Group / Art Unit	Unassigned
Attorney Docket No.	004832.00068

**METHOD OF PAYMENT (check all that apply)**

☐ Check    ☐ Credit card    ☐ Money Order    ☐ Other    ☐ None

☒ **Deposit Account:**

Deposit Account Number	19-0733
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Deposit Account Name	Banner & Witcoff
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**The Commissioner is authorized to:** *(check all that apply)*

☒ Charge fee(s) indicated below    ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, **except for the filing fee**  
 to the above-identified deposit account.

### FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

<b>SUBTOTAL (1)</b>	<b>(\$)</b> 740
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## 2. EXTRA CLAIM FEES

			Extra Claims		Fee from below		Fee Paid
Total Claims	11	-20 **	= 0	X		=	0
Independent Claims	4	-3 **	= 1	X	84	=	84
Multiple Dependent				X		=	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

<b>SUBTOTAL (2)</b>	<b>(\$)</b> 84
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\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)**

### 3. ADDITIONAL FEES

	Large Entity		Small Entity	
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	400	216	200	Extension for reply within second month
117	920	217	460	Extension for reply within third month
118	1,440	218	720	Extension for reply within fourth month
128	1,960	228	980	Extension for reply within fifth month
119	320	219	160	Notice of Appeal
120	320	220	160	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive – unavoidable
141	1,280	241	640	Petition to revive – unintentional
142	1,280	242	640	Utility issue fee (or reissue)
143	460	243	230	Design issue fee
144	620	244	310	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	50	123	50	Processing fee under 37 CFR 1.17 (q)
126	180	126	180	Submission of Information Disclosure Stmt
581	40	581	40	Recording each patent assignment per property (times number of properties)
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))
179	740	279	370	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application

Other fee (specify)

*Reduced by Basic Filing Fee Paid	<b>SUBTOTAL (3)</b>	( \$ ) 570
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## SUBMITTED BY

Name (Print/Type) Joseph M. Potenza

**Registration No. Attorney/Agent)**

28,175

**Telephone**

202 508-9100

**Signature**

***Date***

3/11/02-

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**